

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

NO. 3:24-cv-05095-BHS

STATE OF WASHINGTON,
DEPARTMENT OF LABOR AND
INDUSTRIES,

Plaintiff,

v.

GEO SECURE SERVICES, LLC, THE
GEO GROUP, INC.,

Defendants.

NO. 3:24-cv-05029-BHS

STATE OF WASHINGTON,
DEPARTMENT OF HEALTH,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

NO. 3:24-cv-05095-BHS
NO. 3:24-cv-05029-BHS

THIRD DECLARATION OF
JOHN KORZENKO¹

¹ The Department of Labor and Industries and the Department of Health have contemporaneously filed a motion to consolidate Case No. 3:24-cv-05095 and Case No. 3:24-cv-05029. The same documents in support of their motion for preliminary injunction will be filed in both case numbers until the Court decides their motion to consolidate or otherwise instructs the agencies to file under one case number.

1 I, John Korzenko, declare under the penalty of perjury under the laws of the United
2 States that the following is true and correct.

3 1. I am over the age of eighteen and am otherwise competent to testify. I make these
4 statements on personal knowledge and belief. This declaration supersedes any other declaration
5 submitted with respect to inspections at the Northwest ICE Processing Center.

6 2. I am familiar with GEO Secure Services, LLC and The GEO Group, Inc. (GEO) as
7 employers. I am a Compliance Manager for Region 3 with the Department of Labor and
8 Industries (L&I). I have worked for L&I since December 2007. This includes acting as inspector,
9 including inspecting GEO's workplace. I am familiar with L&I's investigations of GEO. I have
10 access to L&I's electronic files on investigations and the L&I documents referenced are true and
11 accurate copies.

12 3. L&I performs unannounced investigations of workplaces under RCW 49.17.070. True
13 and correct copies of GEO Employer History Details, showing citations issued to GEO by L&I
14 are attached as Exhibit 1. Inspections were performed in 2009, 2010, 2014, 2020 (twice), 2021,
15 and 2022. Some of these inspections involved physical inspections and some involved interviews
16 only.

17 4. As a result of these inspections, L&I found serious safety violations concerning GEO's:
18 trash compactor, respirator program, lack of an emergency eyewash, lack of a program for
19 disposing of razors, failure to require masking at the height of COVID, tuberculosis exposure,
20 and lack of an exposure plan.

21 5. These serious violations showed workers were exposed to unsafe conditions and that a
22 worker had been injured when exposed to a used razor. These unsafe practices, without the
23 State's regulatory oversight and collection, could have resulted in the spread of infectious disease
24 to GEO's employees and detainees, with much broader, and devastating, public health and safety
25 ramifications.
26

6. Except for the 2010 and 2022 inspections, these inspections led to citations, settlements, and assessment of fines totaling \$88,450.

7. The December 27, 2023 L&I inspection was under RCW 49.17.070 and/or RCW 70.395.050(4).

8. L&I may inspect a workplace without being impeded in the right of entry on an unannounced visit. The Occupational Health and Safety Administration (OSHA) requires inspectors to have the first visit unannounced for opening an inspection.

9. L&I arranges for background checks for its inspectors.

10. L&I also inspects Washington's correctional and other secure facilities.

11. L&I designated GEO's workplace a "hazardous workplace" because it is known that the workplace had serious WISHA violations in the past.

12. Attached as exhibits are true and correct copies of L&I documents from L&I's investigation files:

Exhibit 2 Case File Information August 2009 investigation

Exhibit 3 ARC August 2009 investigation

Exhibit 4 Citation April 2020 investigation

Exhibit 5 Inspection Summary Report excerpt April 2020 investigation

Exhibit 6 ARC April 2020 investigation

Exhibit 7 Inspection Summary Report excerpt September 2020 investigation

Exhibit 8 ARC September 2020 investigation

Exhibit 9 Citation September 2020 investigation

Exhibit 10 Inspection Summary Report September 2021 investigation

Exhibit 11 ARC September 2021 investigation

Exhibit 12 Citation September 2021 investigation

13. ARC refers to Accounts Receivable Collection.

1 DATED this 27th day of February, 2024 in Tacoma, Washington.

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3 *John Korzenko*
4 JOHN KORZENKO
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CERTIFICATE OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System, which will serve a copy of this document upon all counsel of record.

DATED this 29th day of February 2024 at Tumwater, Washington.

/s/ Ellen Range
ELLEN RANGE, WSBA No. 51334
Assistant Attorney General